



161.
2133

Docket No.: A3156.0022/PO22

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Mitsuhiro Ono

Application No.: 09/873,649

Confirmation No.: 4262

Filed: June 4, 2001

Art Unit: 2133

For: Integrated circuit for modem

Examiner: J. D. Torres

RECEIVED

AUG 18 2005

Technology Center 2100

**REQUEST FOR RECONSIDERATION OF
DECISION ON PETITION TO WITHDRAW
HOLDING OF ABANDONMENT UNDER 37 C.F.R. §1.181**

U.S. Patent and Trademark Office
220 20th Street S.
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Dear Sir:

This is in response to the Decision on Petition to Withdraw Holding of Abandonment under 37 C.F.R. §1.181, mailed July 7, 2005.

The undersigned would like to thank Examiner Laufer for discussing the basis for, and merits of, the prior decision. Applicant is pleased to note that Mr. Laufer has agreed that the Petition should be granted conditioned on the following clarification.

At the time the Office Action was mailed, the Power of Attorney remained with Ostrolenk Faber Gerb & Soffen. The mailing address was similarly Ostrolenk Faber Gerb & Soffen. As such, the office correctly mailed the Office Action to the Ostrolenk address. However, the evidence is unequivocal that the Office Action was never received by Ostrolenk Faber or anyone else with a Power of Attorney in this case.

As indicated in the prior submissions, Ostrolenk Faber has never used Morgan Stanley Mail Services as their agent. Accordingly, the Post Office's delivery of the Office Action to Morgan Stanley Mail Services was a postal error. In fact, it is the undersigned's understanding that the Office Action was returned in its closed envelope to the United State Patent and Trademark Office by Morgan Stanley Mail Services.

The fact that Ostrolenk did not receive the Office Action is further confirmed by their docket records which show that the Office Action had never been received. The decision of July 7, 2005 improperly indicated that the Ostrolenk docket "appeared to span a period of 01 June 2001 to 10 January 2010". This is an incorrect assumption. While it is true that the undersigned left the Ostrolenk office after January 10, 2002, the Ostrolenk docket remained opened and reflected any document received by the Patent and Trademark Office after that date. I know this based upon my complete understanding of the procedures of Ostrolenk Faber at the time of my transfer to the Dickstein office in January 2002, and have confirmed that this remains the case today. Accordingly, the

Application No.: 09/873,649

Docket No.: A3156.0022/PO22

Ostrolenk records indicate that the Office Action had never been received by the Ostrolenk office.

In view of the foregoing, reconsideration and granting of Applicant's Petition are earnestly solicited.

The decision of July 7, 2005 improperly states that the undersigned "no longer has power of Attorney" in this case. In fact, the revocation of Power of Attorney filed October 28, 2004 explicitly grants a Power to the undersigned.

Dated: ^{Aug. 12}
^, 2005

Respectfully submitted,

By 

Steven I. Weisburd

Registration No.: 27,409

DICKSTEIN SHAPIRO MORIN &
OSHINSKY LLP

1177 Avenue of the Americas

New York, New York 10036-2714

(212) 835-1400

Attorney for Applicant

SIW/mac